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8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10

11 IN THE MATTER OF THE EXTRADITION  
OF:  
12 CRISPIN OCHOA PACHECO  
13

CASE NO. 01:98-MC-00021 DLB  
MOTION TO DISMISS COMPLAINT  
AND ORDER

14 The United States seeks to extradite fugitive Crispin Ochoa Pacheco (hereinafter "Ochoa") to  
15 face the charge of Aggravated Homicide in the State of Nayarit, Mexico, arising from the February 1,  
16 1997 shooting and killing of Felipe Medina Escalante. Mexico seeks extradition pursuant to the  
17 Extradition Treaty between the United States and the United Mexican States. 31 U.S.T. 5059; TIAS  
18 9656.  
19

20 On February 18, 1998, the United States filed a Complaint for Provisional Arrest and Extradition  
21 in the above-referenced matter. On February 26, 1998, United States Magistrate Judge Dennis L. Beck  
22 of the United States District Court for the Eastern District of California issued a Warrant of Arrest based  
23 on that Complaint.

24 It was subsequently discovered that Ochoa was arrested in the State of Kentucky and convicted  
25 of Homicide. He was sentenced to a 25-year prison term. The extradition warrant issued by this Court  
26 was never served on Ochoa. Ochoa continues to serve the aforesaid prison sentence in the Eastern  
27 District of Kentucky at the Eastern Kentucky Correctional Complex in West Liberty, Kentucky. Ochoa's  
28 earliest possible release date is April 24, 2014.

1 Jurisdiction to hear the extradition case lies where the fugitive is “found”. 18 U.S.C. § 3184  
2 (court “may, upon complaint made under oath, charging any person found within his jurisdiction,  
3 ...issue [its] warrant for the apprehension of the person so charged”). Because this Court no longer has  
4 personal jurisdiction over Ochoa, the Complaint for Provisional Arrest and the Warrant of Arrest in case  
5 no. 01:98-MC-00021 DLB should be dismissed without prejudice to re-file in the appropriate  
6 jurisdiction.

7  
8 Dated: May 16, 2013

BENJAMIN B. WAGNER  
United States Attorney

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10 /s/ Michelle Rodriguez  
MICHELLE RODRIGUEZ  
11 Assistant United States Attorney  
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**ORDER**

GOOD CAUSE APPEARING, the Complaint for Provisional Arrest and Extradition and the Warrant of Arrest in case no. 01:98-MC-00021 DLB are dismissed without prejudice to re-file in the appropriate jurisdiction. Warrant is Ordered recalled.

IT IS SO ORDERED.

Dated: May 21, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE